1	Introduced by Committee on Education
2	Referred to Committee on
3	Date:
4	Subject: Education; definitions; obsolete language; RED incentives
5	Statement of purpose of bill as introduced: This bill proposes to make
6	miscellaneous technical and other amendments to education laws, including
7	adding "prekindergarten" to the definition of "elementary education" for
8	federal grant purposes; repealing obsolete language and references to repealed
9	statutes; updating the language of 16 V.S.A. § 2902 regarding educational
10	support systems; and basing eligibility for RED incentives on the date on
11	which districts receive final approval of the electorate rather than on the date
12	on which the new district becomes operational.
13	An act relating to making miscellaneous technical and other amendments to
14	education laws
15	It is hereby enacted by the General Assembly of the State of Vermont:
16	* * * Elementary Education; Prekindergarten * * *
17	Sec. 1. 16 V.S.A. § 11(a)(3) is amended to read:
18	(3) "Elementary education" means a program of public school education
19	adapted to the needs of students in <u>prekindergarten</u> , kindergarten, and the first
20	six grades.

1	* * * Divided Vote; Repeal of Language No Longer in Effect * * *
2	Sec. 2. 16 V.S.A. § 563 is amended to read:
3	§ 563. POWERS OF SCHOOL BOARDS; FORM OF VOTE IF BUDGET
4	EXCEEDS BENCHMARK AND DISTRICT SPENDING IS ABOVE
5	AVERAGE
6	The school board of a school district, in addition to other duties and
7	authority specifically assigned by law:
8	* * *
9	(11)(A) Shall prepare and distribute annually a proposed budget for the
10	next school year according to such major categories as may from time to time
11	be prescribed by the commissioner Secretary.
12	(B) If the proposed budget contains education spending in excess of
13	the Maximum Inflation Amount, and the district's education spending per
14	equalized pupil in the fiscal year preceding the year for which the budget is
15	proposed was in excess of the statewide average district education spending
16	per equalized pupil in that same fiscal year, as determined by the commissioner
17	of education, then in lieu of any other statutory or charter form of budget
18	adoption or budget vote, the board shall present the budget to the voters by
19	means of a divided question, in the form of vote provided in subdivision (ii) of
20	this subdivision (11)(B).
21	(i) "Maximum Inflation Amount" in this section means:

1	(I) the statewide average district education spending per
2	equalized pupil, as defined in subdivision 4001(6) of this title, in the fiscal year
3	preceding the year for which the budget is proposed, as determined by the
4	commissioner of education, multiplied by the New England Economic Project
5	Cumulative Price Index percentage change, as of November 15 preceding
6	distribution of the proposed budget, for state and local government purchases
7	of goods and services for the fiscal year for which the budget is proposed, plus
8	one percentage point; plus the district's education spending per equalized pupil
9	in the fiscal year preceding the year for which the budget is proposed, as
10	determined by the commissioner of education;
11	(II) multiplied by the higher of the following amounts as
12	determined by the commissioner of education: (aa) the district's equalized
13	pupil count in the fiscal year preceding the year for which the budget is
14	proposed; or (bb) the district's equalized pupil count in the fiscal year for
15	which the budget is proposed.
16	(ii) The ballot shall be in the following form:
17	"The total proposed budget of \$ is the amount determined
18	by the school board to be necessary to support the school district's educational
19	program. State law requires the vote on this budget to be divided because (i)
20	the school district's spending per pupil last year was more than the statewide

1 average and (ii) this year's proposed budget is greater than last year's budget 2 adjusted for inflation. 3 "Article #1 (School Budget): 4 Part A. Shall the voters of the school district authorize the school 5 board to expend \$ _____, which is a portion of the amount the school board has determined to be necessary? 6 7 Part B. If Part A is approved by the voters, shall the voters of the 8 school district also authorize the school board to expend \$_____, which is the 9 remainder of the amount the school board has determined to be necessary?" 10 (C) At a school district's annual or special meeting, the electorate 11 may vote to provide notice of availability of the school budget required by this 12 subdivision to the electorate in lieu of distributing the budget. If the electorate 13 of the school district votes to provide notice of availability, it must specify how 14 notice of availability shall be given, and such notice of availability shall be 15 provided to the electorate at least 30 days before the district's annual meeting. 16 The proposed budget shall be prepared and distributed at least ten days before 17 a sum of money is voted on by the electorate. Any proposed budget shall show 18 the following information in a format prescribed by the commissioner of 19 education Secretary: 20 * * *

1	Sec. 3. REPEAL
2	16 V.S.A. § 4001(6)(A) (divided vote; exceptions to education spending)
3	is repealed.
4	* * * School Boards; Designation; Technical Correction * * *
5	Sec. 4. 16 V.S.A. § 563(31) is amended to read:
6	(31) Subject to the requirements of section 571 of this title, may enter
7	into contracts with other school boards to provide joint programs, services,
8	facilities, and professional or other staff. Nothing herein shall be construed to
9	permit the designation by a school district that does not maintain a secondary
10	school of another school district's secondary school as the secondary school of
11	the district.
12	* * * Sight and Hearing Testing; Equipment * * *
13	Sec. 5. REPEAL
14	16 V.S.A. § 1421 (sight and hearing testing equipment) is repealed.
15	* * * Tiered System of Supports * * *
16	Sec. 6. 16 V.S.A. § 2902 is amended to read:
17	§ 2902. EDUCATIONAL SUPPORT SYSTEM TIERED SYSTEM OF
18	SUPPORTS AND EDUCATIONAL SUPPORT TEAM
19	(a) Within each school district's comprehensive system of educational
20	services, each public school shall develop and maintain an educational support
21	system for students who require additional assistance in order a tiered system

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of academic and behavioral supports for the purpose of providing all students with the opportunity to succeed or to be challenged in the general education environment. For each school it maintains, a school district board shall assign responsibility for developing and maintaining the educational support system tiered system of supports either to the superintendent pursuant to a contract entered into under section 267 of this title or to the school principal. The educational support system The school shall provide all students a full and fair opportunity to access the system of supports and achieve educational success. The tiered system of supports shall, at a minimum, include an educational support team, and a range of support and remedial services, including instructional and behavioral interventions, and accommodations that are available as needed for any student who requires support beyond what can be provided in the general education classroom, and may include intensive, individualized interventions for any student requiring a higher level of support. (b) The educational support system tiered system of supports shall: (1) Be integrated to the extent aligned as appropriate with the general education curriculum.

(2) Be designed to increase enhance the ability of the general education

system to meet the needs of all students.

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1	(3) Be designed to provide students the support needed necessary
2	supports promptly, regardless of an individual student's eligibility for
3	categorical programs.
4	(4) Provide clear procedures and methods for addressing student
5	behavior that is disruptive to the learning environment and include educational
6	options, support services, and consultation or training for staff where
7	appropriate. Procedures may include removal of a student from the classroom
8	or the school building for as long as appropriate, consistent with state and
9	federal law and the school's policy on student discipline, after reasonable
10	effort has been made to support the student in the regular classroom
11	environment Seek to identify and respond to students in need of support for
12	at-risk behaviors and to students in need of specialized, individualized
13	behavior supports.
14	(5) Ensure Provide all students with a continuum of evidence-based and
15	research-based behavior practices that teach and encourage prosocial skills and
16	behaviors schoolwide.
17	(6) Promote collaboration with families, community supports, and the
18	system of health and human services.
19	* * *

1	* * * Small School Support; Outdated References * * *
2	Sec. 7. REPEAL
3	16 V.S.A. § 4015(d) (small school support; references to two repealed
4	provisions) is repealed.
5	* * * Education Fund; Technical Correction * * *
6	Sec. 8. 16 V.S.A. § 4025 is amended to read:
7	§ 4025. EDUCATION FUND
8	(a) An Education Fund is established to comprise the following:
9	* * *
10	(4) Revenue from the electric generating plant education property tax
11	under 32 V.S.A. § 5402a. [Repealed.]
12	* * *
13	* * * District Spending Adjustment; Repeal of Exception * * *
14	Sec. 9. 32 V.S.A. § 5401(13) is amended to read:
15	(13) "District spending adjustment" means the greater of: one or a
16	fraction in which the numerator is the district's education spending plus excess
17	spending, per equalized pupil, for the school year; and the denominator is the
18	base education amount for the school year, as defined in 16 V.S.A. § 4001.
19	For a district that pays tuition to a public school or an approved independent
20	school, or both, for all of its resident students in any year and which has
21	decided by a majority vote of its school board to opt into this provision, the

1	district spending adjustment shall be the average of the district spending
2	adjustment calculated under this subdivision for the previous year and for the
3	current year. Any district opting for a two year average under this subdivision
4	may not opt out of such treatment, and the averaging shall continue until the
5	district no longer qualifies for such treatment.
6	* * * Voluntary Mergers; Incentives * * *
7	Sec. 10. 2010 Acts and Resolves No. 153, Sec. 2(a), as amended by 2012
8	Acts and Resolves No. 156, Sec. 1, is further amended to read:
9	(a) Program created. There is created a school district merger incentive
10	program under which the incentives outlined in Sec. 4 of this act shall be
11	available to each new unified union school district created pursuant to Sec. 3 of
12	this act and to each new district created under Sec. 3 of this act by the merger
13	of districts that provide education by paying tuition; and to the Vermont
14	members of any new interstate school district if the Vermont members jointly
15	satisfy the size criterion of Sec. 3(a)(1) of this act and the new, merged district
16	meets all other requirements of Sec. 3 of this act. Incentives shall be available,
17	however, only if the effective date of merger is on or before July 1 merger
18	receives final approval of the electorate prior to November 30, 2017.

1	Sec. 11. 2010 Acts and Resolves No. 153, Sec. 4, as amended by 2012 Acts
2	and Resolves No. 156, Sec. 13, is further amended to read:
3	Sec. 4. VOLUNTARY SCHOOL DISTRICT MERGER; INCENTIVES
4	* * *
5	(h) This section is repealed on July 1, 2017. The incentives provided in
6	this section shall be available only if the merger receives final approval of the
7	electorate prior to November 30, 2017 or as otherwise provided by the General
8	Assembly.
9	* * * Effective Dates * * *
10	Sec. 11. EFFECTIVE DATES
11	This act shall take effect on July 1, 2015.